

HOUSE BILL 2765  
By Strader

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, relative to drug offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-435, is amended by deleting subsection (f) and substituting the following:

(f)

(1) A violation of this section is a Class B felony.

(2) If the offense is committed in the presence of a person under eighteen (18) or at a place where a person under eighteen (18) resides, such person shall not be eligible for parole during any period of imprisonment.

SECTION 2. Tennessee Code Annotated, Section 39-17-417, is amended by deleting subdivision (2) (A) of subsection (c) and substituting the following:

(2)

(A)

(1) Any other Schedule II controlled substance, including cocaine or methamphetamine in an amount of less than point five (.5) grams, is a Class C felony and, in addition thereto, may be fined not more than one hundred thousand dollars (\$ 100,000); provided, that if the offense involves less than point five (.5) grams of a controlled substance containing cocaine or methamphetamine but the defendant carried or employed a deadly weapon as defined in § 39-11-106, during commission of the offense or the

offense resulted in death or bodily injury to another person, such offense is a Class B felony.

(2) Notwithstanding the provisions of subdivision (1), if the offense is committed in the presence of a person under eighteen (18) years of age or at a place where a person under eighteen (18) years of age resides, an offender is not eligible for parole during any period of imprisonment.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.